

HUMAN RIGHTS IN A CHANGING WORLD¹

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President Spano, Vice-President O’Leary, Justice O’Donnell, Justice O’Malley, a chairde, friends, I joined the faculty here in DCU ten years ago as a lecturer in European law, and so it’s a special joy for me to be back on campus today to speak alongside some of Europe’s finest legal minds, and to reflect on a subject that matters hugely to me, to all of us – the state of human rights across our continent. As a lecturer, I could stand at this plinth and talk for hours at a stretch but as every academic knows, the only sure way to stay awake through a closing conference speech is to deliver it. So I promise I’ll not keep you long from lunch, or from the joys of a Dublin weekend. In closing this conference, however, I do want to say a little about the values to which our state aspires, what we’ve sought to achieve these past months through our Presidency of the Council of Europe’s Committee of Ministers, and what we hope the legacy of our half-year Presidency term might be.

Ireland assumed the Presidency of the Committee of Ministers in May 2022, at a point of profound crisis for our continent and challenge for the Council of Europe. We have long held the organisation to be the ‘Conscience of Europe’ and in March, it acted as such, becoming the first international organisation to expel Russia in the wake of its unprovoked invasion of Ukraine and egregious violations of the European Convention on Human Rights. Assuming the Presidency in May, some weeks later, Ireland’s overarching goal was to renew Europe’s conscience, refocusing, in the wake of Russia’s expulsion, on the institution’s core values and ensuring the Council’s expertise was directed as effectively as possible in support of Ukraine and her people. In that context, we backed agreement of the Council’s new adjusted Ukraine Action Plan. In July, we helped to fast-track Ukraine’s accession to the Council of Europe’s Development Bank, establishing a new Donor Fund there to aid those displaced by the war. And in September 2022, for the first time in our state’s history, we sought leave to intervene as a third party before the European Court of Human Rights in the case of *Ukraine v Russian Federation*.

While, ahead of High Level Week at the United Nations, our Presidency led the Committee of Ministers in reaffirming the urgent need for an unequivocal international legal response to Russia’s crimes of aggression against Ukraine. Last week, President Higgins and President Zelensky both addressed the Council’s Parliamentary Assembly in Strasbourg. And underlined the need to hold the Kremlin to account for their actions. Let there be no doubt: the authorities in Moscow and in Minsk cannot, and will not, escape accountability. But we must not sunder ties with their citizens. As of 16 September, 140 million Russians no longer enjoy the vital protections the Convention affords, just as ten million Belarusians never have. That is their tragedy.

At the Council of Europe, I believe, we have a duty to limit its worst effects and to support those pressing to restore rights across our continent. That’s why, at our Presidency’s invitation, Sviatlana Tsikhanouskaya, a friend of Ireland from her teenage years, addressed the Committee of Ministers in July. There, she called for ‘more Council of Europe in Belarus, and more Belarus in the Council of Europe.’ Last month, the Committee of Ministers agreed to deliver just that, committing to holding regular exchanges with Ms Tsikhanouskaya and

¹ This is the text of the speech delivered by the Minister to close the Conference.

establishing a ‘Contact group’ to engage with representatives of Belarusian democratic forces and civil society – a first in the Council’s 73-year history. We hope that, before long, similar steps can be taken to engage Russian democratic activists and human rights defenders, because it’s through their bravery that, in the words of Vaclav Havel, we give ‘power to the powerless’.

The tasks of the Committee of Ministers are many. Through our Presidency, to date, Ireland has already convened more than fifty conferences, seminars and events such as this. To give you some sense of the range of the Presidency’s work, let me mention a few current initiatives which, as Minister for Children and Equality, I consider especially important. On 29–30 September 2022, in Dublin, our Justice Minister Helen McEntee led counterparts from 38 European states in agreeing a Declaration recommitting to the Istanbul Convention, bolstering our collective efforts to strengthen legal standards in the area of gender equality and violence against women. As that conference’s title stressed, there can be ‘no safe haven’ for those perpetrating violence against women, nor can there be any credence given to those states maintaining that, in denying individual rights, they are somehow defending traditional values: that in promoting fear, they are somehow protecting families. Three days after that Dublin Declaration, I hosted a conference myself devoted to safeguarding the rights and best interests of children and young people in parental separation and care proceedings. Next week, I will open a European roundtable where policy makers, academic experts, and civil society from across the continent will gather to shape new approaches to countering anti-LGBTI hate crime.

The challenges facing the Council and the continent today are profound, but grave moments, we believe, must be matched by great ambition, and our aspirations have reflected that. So it was that in June 2022, our Presidency led in convening a High Level Reflection Group, chaired by our former President, Mary Robinson, to consider the future of the Council of Europe. Distilling submissions from the Court, the Parliamentary Assembly, and many other stakeholders, that group published its final report on 5 October 2022. It presents a blueprint for institutional renewal. At its core, and at the heart of our Presidency, is a recommitment to what, as a founding member of the Council, we consider the institution’s ‘Founding Freedoms’. Above all else, that means the reinforcement of rights and protection of civilians through the work of the European Court of Human Rights. On 11 October 2022, President Higgins called on the Court to meet President Spano and Judge Síofra O’Leary, just as our Taoiseach, Micheál Martin did in May. As President Higgins remarked, Judge O’Leary’s election to succeed President Spano reflects her exceptional abilities and the standing in which she is held by her peers in Strasbourg. But even as we recognise the Court’s independence, for all of us in Ireland, it’s also a source of great pride because, better than most, I think, we understand the importance of the Court having seen our society shaped by it.

In September 2022, the brave organisers of Europride in Belgrade affirmed to the world that LGBTI rights are Human Rights. On 4 October 2022, Slovenia made history as the first eastern European state to establish marriage equality. In 2015, the Irish people voted overwhelmingly for the same right. My DCU colleague, Ann Louise Gilligan, was amongst the leading campaigners, and, alongside her wife and my predecessor as Minister, Katherine Zappone, I was privileged to join her in Dublin Castle to celebrate that incredible May day. But the path to that remarkable referendum result was laid twenty seven years earlier in the courtrooms of Strasbourg when Senator David Norris, a champion of civil rights, won a case against the Irish state that decriminalised homosexual acts. It was a testament to David’s bravery, and to the brilliance of the barrister who represented him – Mary Robinson – but

also to the vital importance of the Court in protecting individual rights, and the wisdom – for any who doubt it – of States implementing the Court’s judgments, however challenging they might seem. Because a Court ruling ignored is not only a human right infringed: it is societal progress delayed.

In protecting fundamental freedoms, the European Convention on Human Rights is our North Star, and the Court our compass. The implementation of its judgments is not simply a legal requirement: it is a moral imperative. That is why the Irish Presidency has treated so seriously Türkiye’s continuing failure, as a Party to the Convention, to implement the judgment of the Court and release Mr Osman Kavala. My colleagues, Minister for Foreign Affairs, Simon Coveney, and Minister for European Affairs, Thomas Byrne, have raised Mr Kavala’s case several times over recent months with their Turkish counterparts, and following these exchanges, are now seeking to appoint a contact group, comprising Ambassadors in Strasbourg, to visit Ankara to impress upon Turkish authorities how vital it is to comply with the Court’s ruling. To the same end, as part of a package of almost two million euro in new voluntary contributions to the Council, Ireland has committed additional resources to fund the implementation of Court rulings and urged others to do the same.

When Judge O’Leary succeeded Judge Spano as President of the Court in November 2022, she joined Secretary General Marija Buric and Commissioner for Human Rights Dunja Mijatović in leading this Council. How much stronger Strasbourg is for having such brilliant female leaders across three of its offices. But let me end today by honouring another remarkable woman who left her mark at the Council. We gather today in a theatre dedicated to Seamus Heaney, but in this week, a year ago, Ireland lost another of its greatest poets and states people. Máire Mhac an tSaoi was amongst the first Irish female diplomats and the first Irish woman to serve as Permanent Representative to Strasbourg. Born in the same year as the Irish State, she passed on 16 October 2021, aged 99 years. In 1959, as Ambassador to Strasbourg, she prepared a report on the Council of Europe’s first decade for the Government in Dublin. The world has changed a great deal since, but her reflections are as true now as then. She described the Council as ‘a stage in international progress unimaginable before the last war’, and of the European Convention of Human Rights, she observed that it was ‘designed as an additional safeguard, over and above those provided by our courts and constitution, for the freedom of the individual and was accepted by us as such’, adding ‘That it has shown its effectiveness in a manner somewhat disconcerting to us should not prejudice us against it.’ Her words capture the fundamental purpose of the Convention system to which our states collectively subscribe, and remind us that those arguing for dilution or departure from the Convention because certain rulings are ‘somewhat disconcerting’ are missing the point. Because, it is in those very rulings that the Court affirms its effectiveness, and safeguards the freedom of the individual.

Máire Mhac An tSaoi represented Ireland in a number of languages, but she’s known – and revered – as a poet of the Irish language. Mar sin, is cúis bhróid agus áthais dom an chéad leagan Gaeilge riamh de Choinbhinsiún um Chearta an Duine a chur os bhúr gcomhair inniu. It is therefore a privilege and joy for me today to rectify a long-standing anomaly by presenting a first Irish language translation of the European Convention on Human Rights and Fundamental Freedoms to the Court. Rinneadh aistriúcháin ar an gCoinbhinsiún i mbreis agus daichead teanga, agus dá bharr sin ba chóir go mbeadh leagan Gaeilge ar fáil faoin am seo. The Convention has been translated into more than forty languages. So it’s long past time that an Irish version of the text should be available. On behalf of our Presidency, and with thanks to Donncha Ó Conmhuí, it’s an honour for me to present it today in honour of Máire Mhac An tSaoi: in n-ómós do Mháire Mhac an tSaoi. And in the

knowledge that, changed and challenged as our continent might be, the rights this Convention affirms - and our Court protects – are constant.

Go raibh maith agaibh go léir.
Thank you all.